Nada Smith

A. That they wanted their money back?
Q. That they wanted their money back, because they didn't get what Julio promised them.
A. I would report to my father, but he told me to let Julio handle it, since he knows the finance and the client and everything.
Q. Do you know if your father would ever follow up with Julio on that?
A. He did a few times.
Q. Would you ever follow up with Julio?
A. Yes.
Q. On those complaints?
A. Yeah, and he always told me that he handled them and everything was fine and everything was okay.
Q. Did you ever witness Julio tell a customer that if the customer would provide him with money on that day, he would refinance their loan?
A. No, I never witnessed that.
Q. Did you ever see a customer leave

the dealership to go to a bank and come back with money and hand it to Julio?

A. No, if the client left, I didn't ask him where he was going.

Q. I'm just going to show you some documents here.

MR. LANE: We're going to mark these. We're going to bundle them together and mark them as Plaintiff's Exhibit 3. There's no reason to separate them -- I take that back, I am going to separate this. So this is going to be marked as Plaintiff's Exhibit 3.

(Two-page document entitled "NYC Department of Consumer Affairs Notice of Hearing" is marked as Plaintiff's Exhibit 3 for identification, as of this date.)

Q. We are going to put this in front of you. Just take a look at it and let me know if you recognize the document.

A. Yes.

Q. Can you look at the second page.

Nada Smith

A. Mm-hmm.

Q. Is that your signature at the bottom?

A. Yes.

Q. What is that document?

A. That's Consumer Affairs. This is I think one of the inspections that the lady came.

Q. When you signed this document at the bottom of page two, did you sign in the area marked for "Respondent"?

A. Yes.

Q. And did you indicate that your title at the dealership was "manager"?

A. That's not what I told her. I told her I was the owner's daughter, so she said just to put down "manager."

Q. You put "manager" at the advice of the Department of Consumer Affairs investigator?

A. Well, she asked me who I was. I told her I was the owner's daughter -- I was going to write, you know, that -- and she said, "Just put down 'manager.'"

MR. LANE: I'm going to mark this as Exhibit 4.

(Two-page document entitled "NYC Department of Consumer Affairs Notice of Hearing" is marked as Plaintiff's Exhibit 4 for identification, as of this date.)

MR. LANE: Let's go off the record.

(A discussion is held off the record. Time noted: 12:19 p.m.)

(A brief recess is taken.)

oOo

Q. On Exhibit 3, you indicated that you did sign that document?

A. Yes.

Q. And you identified yourself as the manager. Did you ever tell anybody that you were a manager of New York Motor Group?

A. No.

Q. Did you ever tell anyone that your title was anything other than "office assistant" at New York Motor Group?

A. I never told anyone my position.

Nada Smith

Q. Did you ever tell anyone that you were the controller for New York Motor Group?

A. No, I don't recall.

Q. I'm going to show you another Department of Consumer Affairs document. It's marked as Exhibit 4. Could you take a look at that?

A. Mm-hmm. Okay.

Q. Do you recognize that?

A. Yes. It was the other inspection paper that the lady came in with. I'm pretty sure it was a lady.

Q. Did you sign the second page of that document?

MR. SIMON: I just want to look at it.

Q. Did you sign the second page of that document?

A. Yes.

Q. Of Exhibit 4?

A. Yes.

MR. LANE: I want to give your counsel a copy, so you can have the exhibit in front of you. Okay.

Nada Smith

Q. Did you sign that document on behalf of New York Motor Group?
A. Yes.
Q. When you signed that document, did you identify yourself as the controller?
A. No, I told her I handled office work.
Q. Why did you write "controller"?
A. She said that's a controller position.
Q. I just want to go back and make sure I'm understanding the full scope of your role at New York Motor Group.
MR. LANE: Strike that.
Q. So while you were at New York Motor Group, you did speak with investigators for the New York City Department of Consumer Affairs?
A. Yes.
Q. Do you have a sense of how many times you spoke with the New York City Department of Consumer Affairs investigator?
A. Those two times when they came.
Q. Were there any other times?

A. I don't remember, honestly.

Q. Were there ever any other complaints -- not just Department of Consumer Affairs investigations, but any other complaints from anyone about the dealership during the time you were working there?

A. Like from clients?

Q. From customers.

A. Yes.

Q. Were there complaints from customers in the fall of 2012?

A. No.

Q. Were you aware of any complaints about Angel Santiago?

A. No.

Q. You had said that there were many complaints in the last few months?

A. Mm-hmm.

Q. But did you ever receive complaints prior to that?

A. Prior?

Q. Prior to that.

A. If I did, I don't remember. It was probably, like, once or twice or a few times, but I wouldn't -- it wasn't to the point where I would remember. It wasn't as bad.

Q. So it's possible, though, that there were complaints before the summer of 2013?

A. I'm not sure, because all the complaints that came in, like I said, I handed them to Julio. So if there were --

Q. Would you make any record of the complaints?

A. No. Not until the last few months, like I said.

Q. What record would you make of a complaint?

A. Oh, it was just in my mind, it wasn't paper or anything like that.

Q. The other thing is you've testified that you didn't receive any payment for your work while you were at New York Motor Group; is that right?

A. Correct.

Q. And at the time, you were living with your father?

A. I was living at home. If I needed

anything, my father was right there. You know, food was there. I had a roof over my head.

Q. Would your father give you cash?

A. I don't know. I don't remember. He just -- if I needed money he would give me money.

Q. Would he generally give you cash?

A. I don't remember. He has cards, he has cash, he has everything, so whatever.

Q. Did you have a bank account?

A. Yes.

Q. Would you take money that your father gave you and put it in a bank account?

A. Yes.

Q. Would you use that money to buy food for yourself?

A. I lived at home. There was food there.

Q. Would you use that money to buy clothes for yourself?

A. It was my personal money.

Q. I understand. Do you have a sense of how much money your father gave you --

A. No.

Q. -- in 2013?

What bank did you deposit your money in?

A. I don't remember, honestly, if it was -- I don't remember which bank it was, honestly. I'm sorry.

Q. Did you have more than one bank account?

A. No.

Q. Was it in Queens?

MR. SIMON: Note my objection to the questions about my client's personal bank account.

MR. LANE: Why? What is the basis for the objection?

MR. SIMON: I'm trying to figure out what the relevancy of the questions are. She's living at home -- she testified -- with her parents. Her parents are taking care of her. Her parents are giving her a car. Her parents are paying for everything.

MR. LANE: This is a lawsuit where there are allegations of fraud and dishonesty. And Ms. Smith has testified that she didn't make any income and didn't file taxes for almost two years, and now she is testifying that she received money from her father on a regular basis and deposited it into a bank account.

MR. SIMON: He paid for her wedding.

MR. LANE: It is extremely relevant, because I believe it goes to honesty if she is being paid large sums of money or any sum of money, using it, and then not filing taxes. So that's entirely relevant.

*RQ We're going to call for the production of information related to where she banked, and how much money she was paid by her father during the time she worked at the New York Motor Group.

MR. SIMON: If her father pays for her wedding, that's taxable to her, you believe?

MR. LANE: I'm not talking about

whether or not the father pays for the wedding -- we are on the record. I was talking about the money she was paid on a regular basis, which she said that she deposited in the bank.

THE WITNESS: I never said I was paid on a regular basis.

MR. SIMON: Let's go back on the record.

MR. LANE: We were on the record the whole time.

THE WITNESS: I never said I got paid on a regular basis.

Q. How often did your father give you cash?

MR. LANE: I'm sorry, strike that.

Q. How often would your father give you money when you worked at New York Motor Group?

MR. SIMON: Objection to the form of the question. I believe she lived with both parents.

Q. The question was how often your father gave you money?

Nada Smith

A. It wasn't only my father.

Q. How often did your father give you money when you worked at New York Motor Group?

A. A little bit, you know. Whenever I asked him, he gave it to me.

Q. How often would you ask him?

A. I don't know. Whenever I needed it. It wasn't weekly or daily or anything like that, though.

Q. Would you ever ask your stepmother for money?

A. Yes.

Q. And she would give you money as well?

A. My dad's card or her card, you know.

Q. Would she give you cash?

A. No.

Q. While you worked at New York Motor Group, was your stepmother the owner of Planet Motor Cars?

A. I don't know who the owner of Planet Motor Cars is. I told you that.

*RQ MR. LANE: Again, I am going to

reiterate that we are going to call for information about money paid by Mr. Eltouby or his wife to Ms. Smith during the time she worked at New York Motor Group; and information related to where this money was deposited, into which banks.

Q. Again, I just want to be clear on this.

MR. LANE: I'm sorry, just give me one second.

MR. SIMON: You have to remain quiet. Let him finish his questions.

MR. LANE: We are on the record.

Q. So again, to be clear, you have testified that your father did pay you money while you were working at New York Motor Group?

A. No. I lived at home. My father supported me. I was not paid while I was working at New York Motor Group. If I needed money, I would ask my dad for it. I lived at home. He supported me.

Q. Again, how much money do you think your father gave you during 2012 and 2013?

Nada Smith

MR. SIMON: Note my objection to the form of the question. You mean if she went out and bought a dress and used the father's credit card or the mother's credit card? Is that money that they're paying her? I don't understand the question.

MS. LINDERMAYER: If she understands -- we noted your objection. If she understands the question.

MR. SIMON: Then I will object to the form of the question, because you're saying "How much did they pay you?"

MR. LANE: Okay.

Q. How much money did you receive from your father during 2012?

MR. SIMON: Note my objection to the form of the question. It may have been money that was paid to a retail store.

MR. LANE: You have objected to the form.

Q. If you understand my question, please answer it.

Nada Smith

MR. SIMON: I'm objecting to the whole line of questioning. We are not accepting any more of these questions.

MR. LANE: Are you ordering her not to answer questions about payments made to her by her father?

MR. SIMON: She already did.

THE WITNESS: I never received any payments.

MR. LANE: Okay, I think we should get the magistrate on the phone.

MR. SIMON: Do you want to wait until we finish, until the end? Do you want to continue with any more questions or do you want to interrupt right now?

MR. LANE: Do you want to table it?

MS. LINDERMAYER: Yes.

MR. LANE: That's right. We are going to table this question for the magistrate and we'll get him on the phone before the end of the day.

MR. GROSSMAN: Counsel, may I ask you a question before you go to another line of questioning?

MR. LANE: Sure.

MR. GROSSMAN: For logistical purposes, are we going to take a half-hour break for lunch or are you planning to go straight through?

MR. LANE: We will take a break. Because you're going to ask questions.

MR. GROSSMAN: When you're done, yes.

MR. LANE: Bob, do you plan to ask questions of Ms. Smith?

MR. BRENER: I don't believe so.

MR. LANE: It's quarter of one. How about we go to 1:15?

MR. GROSSMAN: Whatever you want.

MR. LANE: I'm sorry, I've gotten a little disorganized and lost track of my outline here.

MS. LINDERMAYER: I'm sorry, Richard, please don't coach your client during this deposition.

MR. SIMON: I object to your directive. I mean, we're taking a break in the deposition.

MS. LINDERMAYER: You're still not allowed to coach your client about how to answer questions.

MR. SIMON: I'm not coaching. We're just discussing, we're trying to figure out exactly how old she was that year.

MS. LINDERMAYER: So you're helping her figure out the answer to the question?

MR. SIMON: No. I'm trying to figure out the answer to the question, because we're going to discuss this with the magistrate. I've got to say, "Judge, she was the blank-year-old daughter of the owner." I'm preparing for the discussion with the magistrate. I'm not coaching my client.

MR. LANE: Back on the record.

MS. LINDERMAYER: That was on the record, we have been on the record.

MR. LANE: So we have never been off the record. Wonderful.

Nada Smith

Q. When you worked at New York Motor Group, how many hours a day would you work there?

A. I was there all day.

Q. Roughly how many hours a day?

A. It depends. Sometimes I went in to work at 11:00, 10:00. And I left around 7:00 or 7:30.

Q. What were the business hours for the New York Motor Group?

A. 10:00 to 8:00 or 9:00 to 8:00, one of them. I'm not sure.

Q. How many days a week would you work there?

A. Monday through Saturday.

Q. Was the dealership open on Sunday?

A. Yes.

Q. You would not work on Sunday?

A. No.

Q. I'm sorry, you said that you came in generally at 10:00 or 11:00?

A. Mm-hmm.

Q. And the dealership's hours were 10:00 to when?

Nada Smith

A. Eight -- 7:30 or 8:00.

Q. Who would open the dealership?

A. We had someone that opened and closed. His name was Juan.

Q. Juan?

A. Yes.

Q. What was Juan's job?

A. Porter -- well, not really porter. He just handled the dealership outside. Took care of the dealership outside of the vehicles, cleaned the vehicles, and everything like that.

Q. I've asked you about Hillside Motors before, and you indicated that you did not work there?

A. No.

Q. You also indicated that someone in your family owns Hillside?

A. To my acknowledgment, yes. I don't know who owns it exactly.

Q. If you were ever speaking to a customer who was complaining about New York Motor Group, did you ever send them to go speak to people at Hillside Motors?

A. No.

Nada Smith

Q. Do you know anyone who works at Hillside Motors?

A. No.

Q. Did you ever know anyone who ever worked at Hillside Motors?

A. My sister for a little bit, but that's it.

Q. Which sister?

A. One of my sisters.

Q. What is the name of your sister who worked at Hillside Motors?

A. Menah. M-E-N-A-H.

Q. M-E-N-A-H?

A. Mm-hmm.

Q. When did she work at Hillside?

A. She was in and out a lot. I'm not sure.

Q. Do you know what she did at Hillside?

A. Internet sales.

Q. Is she younger or older than you?

A. Younger.

Q. Do you know how old she is now?

A. Twenty-two.

Q. Is she working there now?
A. No.
Q. You had said that filing the deal documents was a big part of your job?
A. It was a part of my job.
Q. Part of your job. So are you familiar with documents that would be in the deal folders?
A. I would say so.
Q. I'm going to show you some documents from some of the transactions in these cases. I will just ask you some questions about them.
MR. LANE: I'm going to mark this as Plaintiff's Exhibit 5.
(One-page document is marked as Plaintiff's Exhibit 5 for identification, as of this date.)
Q. Take a look at that document. Do you recognize that document?
MR. SIMON: I just want to take a look at it.
A. It looks familiar.
Q. Is that a document that someone at